THE HON'BLE SRI JUSTICE NOUSHAD ALI

Writ Petition No.19373 of 2003

BETWEEN:

s. Lakshminarayana

…. PETITIONER

And

1. The Commissioner Endowment Department (Tilak Road) Govt. of A.P., Hyderabad, and others.

…. RESPONDENTS

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ORDER:

The petitioner claims to be a devotee of Sri Sadananda Muttalayam, situated at Mydukur Kadapa District.

2. The Mutt is endowed with several immoveable properties. It appears that one Sindhe Venkata Subba Rao was appointed as a sole trustee of the Mutt in the year 1964. The said person sold away certain properties illegally. There were certain disputes with regard to the nature of the property and ultimately the institution was found to be a public institution in the proceedings in A.S.No.64 of 1991 on the file of the Additional District Judge, Kadapa, confirmed by this Court in C.R.P.No.2978 of 1994. Part of the property admeasuring an extent of Ac.0.65 cents situated in Sy.No.163/D1 was in occupation of the 4th respondent herein. Proceedings were initiated for her eviction under Section 183 of the A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987 before the Deputy Commissioner, Endowments Department, Kurnool, the 2nd respondent herein.

3. Order dated 8.04.2003 was passed therein holding that the 4th respondent is an encroacher and accordingly she was directed to be evicted. As no action pursuant to the said orders has been taken, the petitioner herein, who is said to be a devotee, has approached this Court seeking eviction of the 4th respondent in implementation of the aforesaid orders.

4. In the normal course, if the said order has attained finality, this Court would have examined issuance of a writ. However this Court called for a status report as to why the eviction was not carried out. The Assistant

Commissioner, Endowments Department, Kadapa, accordingly submitted the status report. The report discloses that there are several encroachers apart from the 4th respondent. Some of them including the 4th respondent approached the Commissioner to regularise the encroachments and accordingly the Commissioner issued orders dated 11.04.2005 regularising the occupations on certain terms and conditions. The 4th respondent is one among them. The status report further states that though Government interfered in the matter and issued orders in G.O.Rt.No.1086, dated 31.08.2005 injuncting the institution not to register the properties in pursuance of the orders of the Commissioner. The 4th respondent had already paid the requisite amount. It is stated, in the said circumstances, order of the Deputy Commissioner in O.A.No.100 of 2001 dated 8.04.2002 could not be implemented.

5. From the aforesaid status report, it is evident that the transactions/regularisation of the encroachments as per the directions of the Commissioner of Endowments is seized by the Government. The learned Assistant Government Pleader submits that the matter is still pending before the Government. Needless to say that the legality of the regularisation of encroachments is to be adjudicated upon by the State Government in exercise of its powers under Section 93 of the Act.

6. In the circumstances, I am not inclined to issue the writ at this stage as it would interfere with the rights of the parties in a legally instituted matter before a statutory authority. I therefore dismiss the writ petition. The petitioner being a devotee is given liberty to get himself impleaded in the proceedings before the Government and pursue the matter.

7. It is noticed that the issue before the Government has been pending ever since 2005. In matters of this nature, the Government should have taken appropriate steps for early disposal of the matter. It is therefore directed that the Government shall take appropriate steps and dispose of

the matter as expeditiously as possible.

8. With the above observation, the writ petition is dismissed.

NOUSHAD ALI, J

5th June, 2012
Js.